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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,885

12/20/2005

Takayuki Kimoto

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7590

12/18/2009

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

12/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/561,885

Examiner

JEFF PIZIALI

Applicant(s)

KIMOTO ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 14 August 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☒ B. Other See Continuation Sheet.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Jeff Piziali/
Primary Examiner, Art Unit 2629

Continuation of 1(c) Other:

The Applicant is thanked for the Amendment filed on 14 August 2009. However, a non-compliant matter has been discovered in the aforementioned response, requiring attention before examination may continue.

37 C.F.R. § 1.121(b)(1)(ii) requires, "The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived"

1. The 14 August 2009 Amendment improperly adds a period punctuation mark to the specification without using markings to show the addition relative to the immediate prior version of the specification of record (see page 4 of the amendment; the "page 29, line 21" replacement paragraph, 2nd-to-last line: "Fig. 2D" has been changed to "Fig.. 2D").

2. The 14 August 2009 Amendment improperly deletes the number "1" from the specification without using markings to show the deletion relative to the immediate prior version of the specification of record (see page 4 of the amendment; the "page 30, line 22" replacement paragraph, first line: "Fig. 12" has been changed to "Fig. 2").

The Applicant is respectfully requested to use markings to show all the changes relative to the immediate prior version of the specification of record, as required by 37 C.F.R. § 1.121.

Continuation of 2(b) Other:

MPEP 714(II)(A)(B) requires, "a section (must begin on a separate sheet) entitled 'Amendments to the Specification' (if there are any amendments to the specification). This section should include all amendments to the specification including amendments to the abstract of the disclosure."

3. The 14 August 2009 Amendment improperly neglects to include the complete corrected section (i.e., the entire "Amendments to the Specification" section) of the amendment (e.g., see at least Pages 3-6 of the Non-Compliant Amendment filed on 15 July 2008).

The Applicant is respectfully requested to submit a corrected and complete "Amendments to the Specification" section, as required by C.F.R. § 1.121.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
16 December 2009